

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

ROSCOE LOUIS HOLLOWAY,
#154358

Petitioner,

VS.

BILLY MITCHEM, WARDEN, *et al.*,

Respondents.

3:07-CV-186-MEF
(WO)

REQUEST FOR ADDITIONAL TIME TO FILE TRANSCRIPT

Come now the Respondents in the above-styled cause pursuant to this Court's order issued on May 2, 2008, and request additional time to file a copy of the guilty plea transcript. As grounds for the motion the Respondents show the following:

1. The undersigned attorney called the Randolph County Clerk's Office, and was informed that they do not have a copy of the guilty plea transcript, because Holloway did not directly appeal his conviction. The undersigned attorney was told that he would have to obtain a copy of the transcript from the court reporter.

2. The undersigned attorney has attempted to contact the court reporter, but as of the filing of this motion, has been unable to do so. I am unsure, until I speak to the court reporter, how long it will take the court reporter to transcribe the proceedings and get a copy to the Respondents, to file with this Court.

3. Therefore, the Respondents request additional time to file a copy of the guilty plea transcript with this Court.¹

4. The Respondents do not believe that Holloway will be prejudiced by the granting of additional time.

5. As soon as the undersigned attorney speaks with the court reporter and discovers how long it will take to obtain a transcript of the guilty plea proceedings, he will promptly advise the Court.

Respectfully submitted,

Troy King, ASB #KIN047

Attorney General

By-

s/Jean-Paul M. Chappell (CHA073)

Jean-Paul M. Chappell (CHA073)

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¹ Although the Respondents are making every effort to comply with this Court's order to obtain the transcript, the Respondents respectfully assert that the guilty plea proceedings are not necessary to resolve the issue raised in his federal habeas petition, because Holloway did not directly appeal his conviction, and he did not raise the federal issue that he now raises throughout the State appellate courts in his Rule 32 petition. Therefore, the issue is defaulted. See O'Sullivan v. Boerckel 526 U.S. 838, 845, 848 (1999).

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of June, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: Roscoe Louis Holloway, AIS# 154358, Limestone Correctional Facility, 28779 Nick Davis Road, Harvest, AL 35749-7009.

Respectfully submitted,

s/Jean-Paul M. Chappell (CHA073)
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